

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/29/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greiner et al. (US 5,460,590) in view of AAPA (Applicant Admitted Prior Art).

With respect to claims 23 & 24, Greiner discloses a device for processing filter tow material comprising: a delivery means (7) for supplying two filter tow strips (6.1 & 6.2), and two tow guideways each separately guiding one of the two filter tow strips (6.1 or 6.2), wherein each of the tow guideways is assigned a separately controlled processing apparatus comprising a roller pair (12) having an upper roller (12.1) and a lower roller (12.2) with a large diameter than the diameter of the upper roller, a braking roller pair (4.1 or 4.2), and an adjustment element (60) for adjusting one of the braking roller (4.11 or 4.21) in a direction transverse to a

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rotational axis of the braking roller pair. The device of Greiner meets all of applicant's claimed subject matter except for a control element adapted to adjust the lower roller (12.2) in a direction transverse to a rotational axis of the lower roller in order to control a contact pressure of the lower roller against the upper roller. AAPA teaches at paragraph 00037 that in general, the larger rollers are not provided with a drive, but can be adjusted separately in transverse direction, relative to their axis of rotation, with the aid of control elements that are not shown. It is clear that control elements for adjusting contact pressure between drawing rollers is old and well known in the art. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention was made, to have provided the control elements, as known in the art and taught by AAPA, in order to adjust contact pressure between the upper and the lower rollers.

Allowable Subject Matter

4. Claims 1-5, 7-12, 16-22, 25 & 26 are allowed.

Response to Arguments

5. Applicant's arguments filed 04/29/2010 with respect to claims 23 & 24 have been fully considered but they are not persuasive. Applicant contends that the use of control elements for adjusting the lower roller in a direction transverse to a rotational axis of the lower roller in order to control a contact pressure is not admitted prior art because nowhere in the specification identify any subject matter as "prior art," and that paragraph 0037 fails to indicate any hint of such an admission. This is not found persuasive because only what is old and well known in the art may be omitted from the drawings. The control elements being not shown in any of the

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drawings and being positively stated in paragraph 0037 as not shown is an indication that the control elements for adjusting the lower roller in a direction transverse to a rotational axis of the lower roller in order to control a contact pressure are old and well known in the art. The rejection of claims 23 & 24 is still deemed proper and maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 9:00AM to 4:00PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 07, 2010

/Louis K. Huynh/
Primary Examiner
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